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Notice of Allowability

Application No.

10/713,293

Examiner

Ghassem Alie

Applicant(s)

BEHBAHANY, SHANE

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/14/06.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Reasons for Allowance

1. The following is an examiner's statement of reasons for allowance: The claims are allowable because prior art fails to teach that the sliding member is of the chain saw tensioning apparatus is biased towards the mounting stud which are projected from the housing of the chain saw, as set forth in claims 1, 4, and 5.

Regarding claims 1, 4, and 5, Wolfe (2,532,981) teaches substantially everything including a sliding bar member having a recessed therein and adjacent to a first tensioning member, a latch adjacent to a second tensioning member, and a second member biasing the latch towards the sliding member. However, Wolfe fails to teach that the sliding member is of the chain saw tensioning apparatus is biased towards the mounting stud which are projected from the housing of the chain saw, as set forth in claims 1, 4, and 5. In contract, Wolfe teaches that the first tensioning member biased the sliding member away from the mounting stud of the chain saw.

Zimmermann (5,345,686) teaches a chain saw tensioning apparatus having a sliding member and a first tensioning member biased the sliding member towards the mounting stud. However, Zimmerman does not teach that the sliding member has a recess and a latch located adjacent a second tensioning member. Zimmerman also does not teach that the second tensioning member biases the latch into the recess of the sliding member.

It is not possible to combine the chain saw bar tensioning apparatus taught by Zimmerman with the chain saw bar tensioning apparatus taught Wolfe or visa versa, because they are structurally very different and it would disable the intended use of the tensioning apparatus in both Wolfe and Zimmerman. For example, combining Wolfe's tensioning

apparatus with Zimmerman's tensioning apparatus is not possible, since Wolfe's sliding member would not slide and function the same if the is biased towards the mounting stud. In addition, combination of Zimmerman's tensioning apparatus with Wolfe's tensioning apparatus is not possible either, since Zimmerman's tensioning apparatus would not be operable as intended to operate. In this case, by adding Wolfe's latch mechanism to Zimmermann's tensioning device would render the tensioning device in Zimmermann inoperable.

None of these references by themselves or in combination with the other prior art cited teach the claimed invention set forth in claim 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Walker (3,435,859), Kloft (4,977,708), and Arseneau (2,348,588) teach a chain saw bar tensioning apparatus.

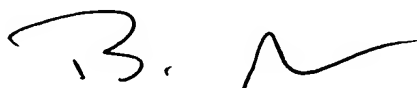
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501.

The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER

GA/ga

October 20, 2006